

Serial No. 10/629,490

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KNUDSON ET AL.	Examiner:	S. GILBERT
Serial No.:	10/629,490	Group Art Unit:	3736
Filed:	JULY 29, 2003	Docket No.:	13033.1USC8
Title:	AIRWAY STIFFENING IMPLANT (as hereby amended)		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 November 14, 2005.

By:

Name: Linda M. Beckman

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Petitioner, Restore Medical, Inc., a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at 2800 Patton Road, St. Paul, Minnesota 55113, in the county of Ramsey, and the state of Minnesota represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/629,490, filed on July 29, 2003 and entitled AIRWAY STIFFENING IMPLANT (as hereby amended), by virtue of our assignment recorded at Reel 010576, Frame 0596 and a Merger and Change of Name recorded at Reel 013706, Frame 0220.

Petitioner, Restore Medical, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos.

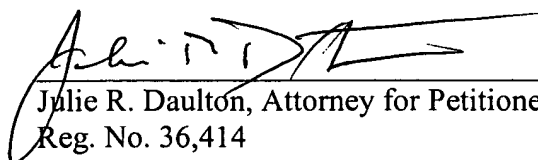
6,513,531, 6,513,530, 6,502,574, 6,453,905, 6,450,169, 6,431,174, 6,401,717, 6,250,307, 6,742,524, 6,634,362, 6,626,181, 6,601,585, 6,601,584, 6,523,543, 6,523,542, 6,516,806 and 6,848,447 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,513,531, 6,513,530, 6,502,574, 6,453,905, 6,450,169, 6,431,174, 6,401,717, 6,250,307, 6,742,524, 6,634,362, 6,626,181, 6,601,585, 6,601,584, 6,523,543, 6,523,542, 6,516,806 and 6,848,447, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent Nos. 6,513,531, 6,513,530, 6,502,574, 6,453,905, 6,450,169, 6,431,174, 6,401,717, 6,250,307, 6,742,524, 6,634,362, 6,626,181, 6,601,585, 6,601,584, 6,523,543, 6,523,542, 6,516,806 and 6,848,447, in the event that United States Patent Nos. 6,513,531, 6,513,530, 6,502,574, 6,453,905, 6,450,169, 6,431,174, 6,401,717, 6,250,307, 6,742,524, 6,634,362, 6,626,181, 6,601,585, 6,601,584, 6,523,543, 6,523,542, 6,516,806 and 6,848,447 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney or agent of record.

Date: 14 November 2005



  
Julie R. Daulton, Attorney for Petitioner  
Reg. No. 36,414